

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GREGORY COLBURN, et al.,

Defendants.

Cr. No. 19-10080-NMG

STIPULATION REGARDING AUTHENTICITY AND BUSINESS RECORDS

Defendants Gamal Abdelaziz and John Wilson, together with the Government (the “Parties”), hereby agree and stipulate as to the following.

1. The Parties agree that the following documents shall be deemed authentic, without the need for an authenticating witness, for purposes of their admission at trial:

a. Emails and their attachments produced by the University of Southern California (“USC”) in response to a Government or defense subpoena in this case and that were sent to or from a USC email address;

b. USC subco packets;

c. Extractions from Rick Singer’s iPhone;

d. Emails and attachments seized in response to search warrants of the following accounts: gamalaziz797@gmail.com; rwsinger@gmail.com; rickwsinger@gmail.com; john@hyannisportcapital.com;

e. Emails to or from Rick Singer, Mikaela Sanford, Steve Masera, or Joel Margulies produced by the Government in this case;

f. Documents produced to the government by: The Edge/ The Key / The Key Worldwide Foundation; and Ayco;

g. The following documents obtained from the Internet:

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8163

h. The following exhibits:

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1353
1367
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1371
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7013
7014
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8043
1350 (new Ex. 709)

- i. Exhibit 1369, a USC Promotional Video; and
- j. Documents produced and authenticated by Beacon Pointe as contained within Exhibit 8135.

2. The Parties agree that the following documents shall be deemed records of a regularly conducted activity in accordance with Federal Rule of Evidence 803(6), without the need for a witness to establish such:

- a. USC subco packets that have been previously marked as exhibits on the Parties' exhibit lists, provided that any emails or other statements ("double hearsay") within such packets will not be admitted for the truth of the matter asserted unless a hearsay exception is separately established for such hearsay-within-hearsay;

- b. Exhibits 2 and 3 (personnel file of Donna Heinel) insofar as the letters to Heinel regarding her termination and the Varsity Blues investigation are redacted. The government may seek to separately introduce the redacted letters and argue that they are business records, meet another hearsay exception, or are used for a non-hearsay purpose. The Defendants' position is that the letters are inadmissible.

- c. The document Bates stamped VB-RECORDS-00124024;

d. The following documents from the website of USC, as well as the following press releases and publications of USC:

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e. Bank records and telephone company billing records;

f. The following emails, financial records, and tax records from The Edge College & Career Network, LLC, a/k/a The Key, and the Key Worldwide Foundation:

8125

g. Exhibits 1344, 1345, 1376, 1377, 1378, 1379, 1388, 1389, 1391, 1396, and 1397, which are printouts from the SIS system at USC, provided to Defendant Zangrillo insofar as the “comments” columns on these Exhibits are redacted. The government does not agree that the “comments” column is a business record. The defendants are free to argue that the “comments” column is a business record, meets another hearsay exception, or is used for a non-hearsay purpose. The government’s position is that the comments columns are inadmissible.

h. Exhibits 1550 and 1551, which are donor profiles from USC’s salesforce system, with redactions on each Exhibit as agreed to by the parties

i. Exhibit 8130; and

j. Exhibit 8185 and the specific documents referenced by Bates number in Paragraph 3 of that exhibit.

3. For those exhibits identified in Paragraph 2(a)-(j), the Parties agree that nothing in this Stipulation shall have any bearing on a party's ability to object on any grounds other than hearsay or authenticity (e.g., relevance, prejudice, etc.), except as noted herein for objections regarding "double hearsay." For those exhibits identified in Paragraph 1(a)-(j), the Parties agree that nothing in this Stipulation shall have any bearing on a party's ability to object on any grounds other than authenticity (e.g., hearsay, relevance, prejudice, etc.).

Dated: September 7, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on September 7, 2021, and thereby delivered by electronic means to all registered participants as identified on the Notice of Electronic Filing.

/s/ Brian T. Kelly
Brian T. Kelly